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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,508	04/20/2007	Yuko Miyake	4600-0125PUS1	9938
2292 7590 07/02/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER PADEN, CAROLYN A				
ART UNIT 1781		PAPER NUMBER		
NOTIFICATION DATE 07/02/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/587,508

Applicant(s)

MIYAKE ET AL.

Examiner

Carolyn A. Paden

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date 6-28-10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Beroza alone or as further evidenced by Stecher.

Beroza discloses the sesamin content of sesame oil in Table 1. Three oil sources have the sesamin content of the claims. The sesaminol content of the oil is not mentioned but the claims anticipate or include 0% sesaminol. Beroza would not be expected to disclose the sesaminol content of oil under a situation where it was not found. Although bitterness is not mentioned, one would not expect sesame

oil to be bitter. Stecher is relied upon for evidence that sesame oil is bland and thus would not be expected to be bitter.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Beroza alone or taken with Fukuda and as further evidenced by Stecher.

Beroza discloses the sesamin content of sesame oil in Table 1. Three oil sources have the sesamin content of the claim 1. Beroza also teaches that the sesamin content of sesame seed varies a lot with seed source. The sesaminol content of the oil is not mentioned but the claims anticipate or include 0% sesaminol. Beroza would not be expected to disclose the sesaminol content of oil under a situation where it was not found. Further evidence for the no sesaminol in sesame seed is shown in Table 2 of Fukuda. Here two samples of sesamin seed oil do not contain sesaminol oil. Although bitterness is not mentioned, one would not expect sesame oil to be bitter. Stecher is relied upon for evidence that sesame oil is bland and thus would not be expected to be bitter.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menzes taken with Hui.

Menzes discloses using 2% bleaching clay in the refining process (page 185, column 1). The claims appear to differ from Menzes in the recitation of the treatment temperature for the process. Hui teaches that there is no critical bleaching temperature for optimum bleaching results (paragraph 3, page 201). Hui also indicates that lower temperatures of 75-85C are recommended for some activated earths. It would have been obvious to one of ordinary skill in the art to lower the bleaching temperature of Menzes according to optimize the treatment results. It is appreciated that the specific oil of claims 1-3 is not mentioned but the claims are directed to the process. One would expect the final treated sesame oil would contain the specific ingredients of the claims.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menzes taken with Hui as applied to claims 5-6 above, and further in view of Swern.

The claims appear to differ from Menzes taken with Hui in the recitation of the use of active carbon as an absorbent for bleaching. Swern teaches that activated carbon is the only alternative adsorbent used for treating fatty oils (page 295, paragraph 3). It would have

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been obvious to one of ordinary skill in the art to utilize activated carbon in the bleaching of Menzes as an alternative adsorbent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn A Paden whose telephone number is (571) 272-1403. The examiner can normally be reached on Monday to Friday from 7 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached by dialing 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Carolyn Paden/

Primary Examiner 1781